

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

***** *
CHILDREN'S HOSPITAL CORPORATION, *
*
* Plaintiff, *
*
* v. *
* Civil Action No. 04-11676-PBS
*
KINDERCARE LEARNING CENTERS, *
INC., BLUE CROSS BLUE SHIELD OF *
MASSACHUSETTS, INC., and REGENCE *
BLUE CROSS BLUE SHIELD OF OREGON, *
* Defendants. *

DEFENDANTS' EMERGENCY MOTION TO EXTEND TIME TO RESPOND TO
PLAINTIFF'S MOTION TO REMAND AND PLAINTIFF'S COMPLAINT

Defendants Kindercare Learning Centers, Inc., Blue Cross Blue Shield of Massachusetts, Inc., and Regence Blue Cross Blue Shield of Oregon (collectively, "Defendants"), hereby move for an extension of time to respond to the Motion to Remand and the Complaint of Plaintiff Children's Hospital Corporation (the "Hospital"). As ground for this Motion, Defendants state as follows:

1. The Hospital filed the Complaint in this action on July 6, 2004. Defendants subsequently removed the action to this federal court and the Hospital filed a Motion to Remand on August 3, 2004.
2. By agreement, Defendants' responses to the Motion to Remand and the Complaint were to be served on Friday, August 27, 2004.
3. At the end of the day on Wednesday, August 24, 2004, the Hospital filed a Second Memorandum in Support of its Motion to Remand (the "Supplemental Memorandum").

The Supplemental Memorandum concerns a substantive issue that directly impacts Defendants' response to both the Motion to Remand and the Complaint.

4. Based on this development, Defendants requested one additional week from the Hospital to respond to the outstanding papers, including the newly filed Supplemental Memorandum. The Hospital was unwilling to consent to such an extension, but indicated that it did not intend to oppose the current Motion.

5. In order to effectively address this new issue, Defendants require additional time.

WHEREFORE, Defendants respectfully request an extension of time to respond to the Motion to Remand and the Complaint until September 3, 2004.

Respectfully submitted,

KINDERCARE LEARNING CORPORATION,
CENTERS, INC.,

By its attorneys:

/s/ Robert P. Morris

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BLUE CROSS BLUE SHIELD OF
MASSACHUSETTS, INC., and
REGENCE BLUE CROSS BLUE
SHIELD OF OREGON

By their attorneys:

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Dated: August 26, 2004